

From: Steve Thompson
To: Microsoft ATR
Date: 11/30/01 12:19pm
Subject: Microsoft Settlement in Favor of Microsoft

Sirs:

It is my professional opinion as a computer programmer (over 25 years) that this settlement handed Microsoft everything they wanted.

Why would I say this? Let us look at the ramifications to small business (less than 50 employees) and the typical home user of computer software:

- 1) Tax Software that will not install unless IE is installed.
- 2) Accounting Software that will not install or run correctly unless IE is installed
- 3) Payroll Software that will not install or run correctly unless IE is installed
- 4) 98% of the desk tops using Intel platforms are Microsoft controlled.
- 5) VB can't run on anything except Windows platforms
- 6) ISPs that will not support their customers unless they are running a Windows environment
- 7) ISPs and others who put out software that will not install unless IE is installed (this goes beyond the business software listed in points 1-3 above).

How is it that IE is needed to do payroll and/or accounting? Just what does IE have to do with getting W2s, 1099s, 940, 941, and other federal returns printed? How is it that IE has to be on a system for downloads to work?

FTP has been around for quite some time, so why did PeachTree, Intuit, H&R Block, and others decide that their software had to be connected to IE to get updates for their software?

Why is it ISPs demand a Windows environment or they can't support you (blatant example is AOL/Time Warner's Road Runner)? What is so special about IE that they can't seem to deal with Netscape, Opera, or any other browser? Why do they [ISP and Software Makers] have trouble if you don't use Outlook or Outlook Express?

Now take these things and look at what you have. If small business is forced to use Microsoft environments, how do we get them to look at a cheaper and faster operating system, such as Linux? What about IBM's OS/2? Why did it die (and it is a much more stable O/S than ANYTHING Microsoft has put out AND it supported the Windows APIs!)?

What you've done is made sure that everyone will find the Microsoft environment to be the cheapest to go to. You've done this via case law that makes the Windows API the standard!

Total Cost of Ownership is not what people look at in too many cases. They look at what is the "easiest" to deal with. When all the game makers make games for Microsoft, what will drive the Microsoft purchases in corporate America? It is the familiarity people have with Microsoft. Meanwhile, better systems will fall by the wayside because small business users will not pay the up front costs to train their people -- not realizing their back end costs are going up!

Again by case law, you have made Microsoft's new licensing plan the standard. That new standard is a subscription plan for their office products and operating systems starting with "XP". What will be the cost of this? Well, if you don't subscribe, then you can't buy upgrades at an "upgrade" price, but at the full price (per Microsoft). Meanwhile, various independent groups have shown the overall costs for small business to be a LARGE price increase.

Meanwhile, Microsoft has a reputation for buggy code. Why is it that the vast majority of malicious code is geared to Microsoft applications? Is it any wonder Microsoft supports UCITA? Via case law you are pushing poor code/software by ensuring that Microsoft is the standard (e.g. Windows API).

How many more "innovations" will Microsoft wrap into their operating system that will shut down ISVs (Independent Software Vendors)? And how many of those innovations will have serious security problems? Again, by case law you've made this the de facto standard.

And so, who would deign to bring another case against Microsoft for predatory practices, anti-trust or outright fraud? Think about this new "NET" ("#") environment being pushed by Microsoft and what effect "myWallet" (or whatever Microsoft is going to call these things) is going to have. Once Microsoft gets out there with XP, and people are losing money (stolen myWallet contents and the like), what attorney is going to file a suit against Microsoft (keep in mind UCITA as well).

The settlement agreement you have entered into with Microsoft was very well described the other day as "the DOJ having snatched defeat from the jaws of victory."

I submit to you that this settlement is the worse possible thing you could have done.

Sincerely,
Steve Thompson